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LOUISIANA

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DEPARTMENT OF ENVIRONMENTAL QUALITY

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PUBLIC MEETING AND REQUEST FOR PUBLIC COMMENT

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INDUSTRIAL PIPE, INCORPORATED

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TYPE III (C&D) DEBRIS LANDFILL

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Technically Complete Solid Waste Permit

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Minor Modification

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BELLE CHASSE, PLAQUEMINES PARISH, LOUISIANA

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Agency Interest No.

14689

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Hearing reported at Belle Chasse High
School Theatre, 8436 Highway 23, Belle Chasse,
Louisiana 70112 on Tuesday, July 15, 2008,
commencing at 6:10 p.m.

Reported by:

Dorothy H. Schmit

Certified Court Reporter

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(The hearing was called to order with approximately 65 or 70 people in the audience and proceeded as follows:)

MS. WRIGHT:

Good evening. Let the Record reflect that the time is now 6:10 p.m. My
Page 3

7 4 deq15
 8 5 name is Kathy Wright. I am employed with
 9 6 the Louisiana Department of Environmental
 Quality. I will be serving as the hearing
 10 7 officer this evening, Tuesday, July 15,
 11 8 2008.
 This hearing is scheduled to accept
 12 9 public comments concerning the Technically
 13 10 Complete Solid Waste Permit minor
 14 11 modification for Industrial Pipe,
 Incorporated, Type III Construction and
 15 12 Demolition Debris Landfill, Agency Interest
 16 13 No. 14689, Permit Number P-0261R1 and
 17 14 Activity Tracking Number PER 20080001. The
 site is located at 11266 Highway 23, Belle
 18 15 Chasse, Plaquemines Parish.
 19 16 Industrial Pipe, Incorporated
 20 17 requested a minor modification to its permit
 21 18 to allow for the acceptance of barge
 22 19 shipments of construction and demolition
 debris waste.
 23 20 This hearing is not being conducted
 24 21 in a question and answer format. Please
 25 22 remember that the purpose of this public
 hearing is for DEQ to receive your comments
 concerning the technically complete solid
 waste permit minor modification.
 This hearing is to provide all
 individuals a chance to be heard regardless
 of their position on the technically
 complete solid waste permit minor
 modification.
 Courteous behavior is expected of
 everyone at all times. You may speak in
 support of the permitting actions; in
 opposition to the permitting actions; or
 simply to provide additional information.
 All interested parties will be given a
 reasonable opportunity to comment, unless

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1 23 testimony is not related to the purpose of
 2 24 the hearing. All comments heard during the
 3 25 hearing and all written comments received
 during the comment period will be evaluated
 and addressed in the Department's written
 response.

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A public notice advertising this public hearing and request for public comment was published in the The Advocate, Baton Rouge, Louisiana, and the Plaquemines Gazette on June 17, 2008. A copy of the permit is available for inspection and review at the LDEQ, Public Records Center, Room 127, 602 North 5th Street, Baton Rouge, Louisiana. Viewing hours are 8:00 o'clock a.m. to 4:30 p.m., Monday through Friday, except holidays. The available information can also be accessed electronically on the Electronic Document Management System (EDMS) on the DEQ public website at www.deq.louisiana.gov.

Additional copies are also available for review at the Plaquemines Parish Library, Belle Chasse Branch, 8442 Highway 23, Belle Chasse, Louisiana, and the LDEQ Southeast Regional Office, 201 Evans Road, Building 4, Suite 420, in New Orleans,

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However, any time limit set for citizen testimony shall -- however, any time limit set for citizen's testimony shall apply to public officials. The Department must provide up to 30 minutes to the permit applicant for an introductory presentation. Thereafter, preference for speaking up to one hour is given as follows:

For the first hour, to those citizens who live within a two mile radius of the location of the facility;

For the second hour, to those citizens who work within a two mile radius of the location of the facility;

And for the third hour, to those citizens who live within the parish of the location of the facility.

Thereafter, each hour of the hearing shall alternate between those who are in support of the technically complete solid waste permit minor modification and those who are opposed to the permit.

The order of tonight's hearing will be based on the information provided by the speaker on the registration form. Anyone who registered to speak but did not provide the necessary information will be given the opportunity to speak; however, they will be called last in the order of registration. This hearing is being transcribed; therefore, I will ask each speaker to begin by stating, for the Record, their name, address and any organization that he or she

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citizens who live within a two mile radius
of the location of the facility. Our first
speaker of tonight is Michael Visuto.

MR. VISUTO:

I've just signed up to talk --

MS. WRIGHT:

Excuse me, Mr. Visuto, if you could
speak at the podium, please. I'm sorry.
Maybe I did not make that clear in my
instructions.

MR. VISUTO:

That's fine. My name is Michael
Visuto; I live at 291 Bergeron Drive in
Belle Chase, within two miles of the
landfill.

This is getting old. We're getting
tired of having to fight this. And the
policies --

(From the audience: we can't hear you.)

I apologize. We have to live with
this landfill, and the pompous individual
that doesn't even have the courtesy to have
a representative here to represent his case.

I live on Bergeron Drive which on this side
of Walker, and we've had the fires and the
smell and I mean, well, we don't live in
Oakville, but we're just beyond it. And I
pray to God you get a bunch of people
together and have them write, call, do
whatever's necessary. We need to stop this
now. That's all I need to say.

MS. WRIGHT:

I'd like to apologize in advance if
I mispronounce some of these -- some of
these last names. Our next speaker is
Margie Laclere -- Laclere, excuse me.

MS. LACLERE:

I live at 227 Bergeron Drive, and
that's north of the landfill a couple
hundred feet. I would like the public
record to indicate my opposition to
Louisiana DEQ granting the permit
modification sought by Industrial Pipe. And
some of the reasons are: Number One, it
poses unhealthy health risks to people

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1 possible evacuation in the case of a spill.
2 Children living in nearby neighborhoods have
3 unsafe exposure to these elements, and
4 children are more susceptible to respiratory
5 illnesses.
6 In the fall of 2006 a two year old
7 child died of respiratory problems in the
8 Oakville community. She had been playing in
9 her backyard the night before, or the
10 evening before, a major fire at the
11 landfill. This was in the fall of 2006.
12 Another issue that it compromises the
13 quality of life in nearby neighborhoods.
14 Residents have to endure daily sights,
15 sounds, and smells of landfill operations.
16 Anxiety is high among parents who
17 wonder if their children are exposed to
18 airborne -- harmful airborne toxins as they
19 play in their yard at home or if they play
20 in the Oakville playground, which is only 50
21 feet from landfill operations.
22 One major reason why this landfill
23 permit modification should not be granted is
24 because it has an excessive and extensive
25 history of permit violations. Just from
1984 there have been numerous permit
violations where they have been cited and or
fined. In 1997, LADEQ found 22 violations
at the landfill. So they have been an
unfriendly neighbor.
For the most recent violations of
2006 most people are aware of the fire right
after the Hurricane Katrina that resulted in
a five thousand fish kill in Hero Canal and
that resulted -- that did result in a
penalty, I think it was about \$2,000, which
isn't that much in comparison.
A more recent violation was just a
year ago, in January 2007, LADEQ cited and
gave a potential penalty for finding
unauthorized waste which included tires,
bags of municipal waste, vehicle
windshields, and medical waste. As of this
date, fines have not been issued. And that
was over a year ago.
And for the most recent violation it
was cited for actually bringing up the barge

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1 on Hero Canal and unloading the waste. The
2 Louisiana Department of Environmental
Quality did know that the barge was coming,
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and I really don't understand how it allowed
the barge to unload.

On the public information's web
site, EDMS, that e mail after e mail where
the inspectors and the violations department
enforcement, they're going back and forth

4 deq15
 6 with e mail saying should we let them?
 7 should we not let them? should we stop him?
 8 and finally they let him. They were there,
 9 but he was still allowed to unload the
 10 barge, and to me that was wrong. But
 11 regardless, at least he was cited and
 12 hopefully he'll have a penalty and a fine
 13 for doing this knowing that he violated his
 14 permit.
 15 Another reason that this landfill
 16 owner should not be given this additional
 17 modification to extend his landfill
 18 operation is because he hasn't been
 19 completely honest in submitting required
 20 information on permit applications in the
 21 past. In his past final application he
 22 omitted that there's a children's public
 23 playground adjacent to the landfill site.
 24 He omitted that there were four churches in
 25 the Oakville community. He stated that
 Alvin Callender Field was three miles from
 Industrial Pipe, but he omitted the fact
 that one of the -- the landing strips, the
 runway, is only a mile from the landfill.
 And that presents a bird hit risk.
 MS. WRIGHT:
 Sorry, your time is up. Our next
 speaker is Rose Jackson.
 MS. JACKSON:
 Good evening. My name is Rose
 Jackson. I live at 194 West St. Peter
 Street in Oakville. I am the founder and
 the vice president of the Oakville Community
 Action Group. I am an executive board
 member of the Louisiana Environmental Action
 Network in Baton Rouge.
 This has been going on too long.
 It's time for it to stop. When our local
 government officials here issued a permit
 for a building that is not a permit for you
 to execute, of doing anything else other

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1 than building. Not to take that permit and
 2 use it to send to DEQ and to tell the DEQ
 3 officials that you have a permit from the
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parish. That is wrong.

I was told that I was fighting a losing battle, that I was beating a dead horse. Well, guess what? That smoke killed my 18 month old granddaughter, and I am fed up with this. It has to stop now. When you get that callous that you kill a child, something is seriously wrong with you. And I pray and ask God to please have mercy on your soul and that Satan have a resting place for you.

MS. WRIGHT:

Our next speaker is Mark McGee.

MR. MCGEE:

First of all, I'd like to say good evening everybody. I'd like to thank you for coming out. Obviously, there's several people here who are determined to have their

10 say, and by the sound of your applause
 12 there's many of you here who are already in
 11 opposition to this.
 13 Many years ago this facility was a
 12 small, very small, facility that was just
 14 tearing down the demolition of homes,
 13 basically burning it, and it wasn't a whole
 15 lot of regulatory limits and certainly no
 14 opposition. But yet the DEQ at some point
 16 filed a decree against this facility with a
 15 \$100,000 fine, and it was basically shut
 17 down.
 16 At some point after that a son in
 18 law come up with an application and opened
 17 it up as a landfill, stating that it was
 19 grandfathered in. I still stand on the
 18 position today that this facility was never
 20 grandfathered in, and it's illegal.
 19 One of the best things that was ever
 21 said by one of the speakers in the past
 20 meetings was that if you want to define the
 22 impurities in the pollutants to look on
 21 their roofs and their gutters and on their
 23 vehicles and on their streets and in their
 22 grass. This is not something that just
 24 affects the community of Oakville. This is
 23 something that's going into Bergeron Drive
 25 all the way up into the airbase area and all
 24 of you residents that live somewhat in that

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1 facility, that area.
 25 I'd also like to thank the speakers
 2 that are going to come up here tonight and

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tell you some of their other stories and what not. And I'd like to have an opportunity to come up here and speak again. But I'll -- let me press on something here, that this is to modify, apparently to file for acceptance of hardship and some construction of demolition debris.

I live on the Hero Canal. I'm not going to tell you I've seen thousands. I'm not going to tell you I've seen hundreds, but there's many barges that have come up that canal with construction debris. where do you suppose all of that creosote lumber that's piled up on the highway that you can see there on Walker Road come from? You didn't think that come in by truck. This is something that's been going on for a while.

We could blast the DEQ for that as a hazardous waste. It's supposed to be hauled off to a demo site in Mississippi. Imagine that. Maybe Mississippi's fighting to stop the implantation of waste in their state. It would also be interesting to go to Chicago and see if you could file for a permit to bring your waste up here -- from here to there and see what their response would be.

I also think that the DEQ is out of line for even accepting something like this.

deq15
16 It's the Department of Environmental Quality
18 and they're certainly supposed to protect
17 the State of Louisiana, not make sure that
19 someone profits in the city of Chicago and
18 has a place to dump. Thank you.
20 MS. WRIGHT:
19 The next group of speakers will be
21 those who work within a two mile radius of
20 the location of the facility.
22 Our first speaker in that group is
21 Steve Feder.
23 MR. FEDER:
22 Hello, my name is Steve Feder. I'm
24 the owner of Canal Energy and Services at
23 11106 Highway 23, next door to the
25 landfill. This is the third time that I've
24 spoken in public against this landfill --

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1 once in federal court, once at our council,
25 and now in front of my neighbors.
2 I find it inconceivable that a

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1 landfill can be operated off the highway and
the way that this landfill is being operated
2 on a day to day basis. My company works
3 next to this landfill. My employees are
4 constantly having problems because of the
5 smell. I'm constantly having problems with
6 my Workmen's Comp insurance.

7 It's becoming an impossible feat to
8 continue to work at a landfill that allows
9 fires to run rampant, to allow the oil and
10 debris to fall into the Hero Canal. I find
11 it inconceivable that I have to run a
12 business by law and guidelines that are set
13 before me by DEQ, by the state, by local
14 politicians, and that other businessmen can
15 run their businesses any way they want to
16 run them.

17 I don't like it. I will continue to
18 fight this for as long as I stay in this
19 parish and try to protect my employees. I
20 don't understand how a parish that has a
21 total area of land mass of only 834 square
22 miles, but has wetlands of 1,600 square
23 miles can allow any kind of material to fall
into our wetlands and destroy why all we are
here: the fishing, the hunting, our quality
of life. I see the dead fish floating in
the Hero Canal. I see the oil sheen on Hero
Canal. I see all of the debris coming in
and out. The trucks going in and out create
an environment of dust that makes it almost
impossible for us to work and live.

It's a long, long way from Chicago
to Belle Chase. And I can find no reason
why any municipality could allow their
so called construction debris to transverse
the entire country so that they could come
down and dump this landfill in our small
parish.

So I'm here to say we need to stand
up together once again, local and state
politicians that are here to protect us. We

22 deq15
24 need to stand up together to stop this
23 landfill from accepting illegal debris. And
25 there is no way to control what's being
24 brought down Hero Canal, down the
 Intracoastal Canal, down the Mississippi

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1 River. There is no way to tell what's in
2 25 these barges. We are all going to pay a
3 very terrible price. Hurricane Katrina
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1 destroyed most of this parish, and it's
2 going to take many years to fix it. Let's
3 not allow any man or any company to destroy
4 our parish for profit that we may never
5 recover from. Thank you.
6 MS. WRIGHT:
7 Our next speaker is Kerry
8 Rutherford.
9 MR. RUTHERFORD:
10 Good evening. My name is Kerry
11 Rutherford. I'm the operations manager for
12 Canal Energy and Services, working right
13 across the street. I've been in that
14 position for about a year.
15 I can tell you that the environment
16 of and working there with creosote and
17 railroad ties and everything stacked, it
18 looks like a mountain -- if you get a wind,
19 the stench is not pleasant. The truck
20 traffic creates a dust storm that would
21 probably rival a dust devil of any American
22 desert.
23 It is my understanding that while I
24 work there -- I don't live there, but you
25 know, I'm curious as to how, for so many
years, this dump has been allowed to exist
without even so much as following the basic
rules set by DEQ and probably the EPA under
Articles 401 and 404.
Let me say this: Residents in
Oakville should not be consistently exposed
to no buffer zones by law, no fencing,
nothing that separates them from the
community in which they live and their
children play, and where I work, if it's
dumped there. It's just -- I do not
understand how all this time this dump has
been allowed to exist, much less expand.
I believe that if another fire
happens, as was listed by one of the earlier
speakers -- on that day, I might add, Canal
Energy closed it's doors and sent it's
employees home because breathing was
impossible. They don't have the proper fire
equipment there. I do not believe creosote
railroad ties fall under Type 3. I could be
wrong on that, but I believe that's a Type 2

1 landfill. deq15
2 25 So if you don't have proper
3 irrigation, you don't have proper control of
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3 1 truck traffic, you're going to violate your
2 permit by bringing a barge in, I believe
April whatever, and unloading it before you
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4 deq15
 4 even get permission, before any of us have
 5 3 any word, with all the violations mentioned
 5 4 by the previous speakers, with the work
 6 5 conditions of not only us, but there's
 6 5 another company working right behind us,
 7 6 right across the street from it.
 7 6 This is going to increase truck
 8 7 traffic, barge traffic. How do you propose
 8 7 to offload trash barges across the canal and
 9 8 maintain safe environment? What's going to
 9 8 keep any trash from going into Hero Canal?
 10 9 I've heard -- I've spoken to parish workers
 10 9 when they were working on the levees and
 11 10 stuff and talked about sheens on the water
 11 10 back behind that dump when they were putting
 12 11 the temporary levees there.
 12 11 This is just unacceptable. I oppose
 13 12 DEQ giving this permit, as I'm sure most of
 13 12 us here do. I find it an insult that the
 14 13 owners didn't come up and at least attempt
 14 13 to placate us with some sort of sensible
 15 14 reason as to why they should be allowed to
 15 14 expand this dump.
 16 15 I also find it quite ironic that
 16 15 while the parish is looking to progress and
 17 16 maybe our Walker Road expansion is going to
 17 16 come in, I find it quite amazing that we
 18 17 have not even considered what this will do
 18 17 for access into the parish along that
 19 18 proposed roadway.
 19 18 Are we going to want that kind of
 20 19 mounds of trash right off of a brand new
 20 19 roadway system? Let's talk about the --
 21 20 Before I walk away, I want to say one more
 21 20 thing. My home is in District Four, but I
 22 21 just cannot imagine having Hurricane Katrina
 22 21 or something like her come a little bit
 23 22 further north and share in the fate that our
 23 22 brothers and sisters in the south end of the
 24 23 parish did, and having all of that debris
 24 23 and all of those railroad ties and
 25 24 everything else just blowing willy-nilly
 25 24 across the rest of the parish.
 25 24 There's just a lot of issues besides

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1 the legal issues, besides the questions as
 2 25 to whether EPA has done water studies. Have
 2 25 there been any air studies? There's just

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1 not enough information for us to sit by and
2 say: Okay, let's make some more money. It
3 seems like there's a lot more ways for the
4 parish to move forward than to sit around
5 here and allow a dump site to expand that
6 has violated every rule it could possibly
7 violate. And that's the way I feel. Thank
8 you.

MS. WRIGHT:

The next group of speakers are those
citizens who live within the parish of the
location of the facility.

Our first speaker in that group is
Nelson Chaisson.

MR. CHAISSON:

deq15
 10 Good evening. My name is Nelson
 11 Chaisson. I live on 108 Angela Drive, maybe
 12 two and a half miles from the dump. We on
 13 Angela Drive is right next to the air
 14 station. The air station has to be
 15 influenced by the pollution and hazardous
 16 waste; so do we.
 17 I came into the parish twelve years
 18 ago. And I picked this place to retire, the
 19 reason being the quality of life. Since the
 20 hurricane, the quality of life has been
 21 decreased. The past twelve years I have
 22 heard about this bad neighbor time and time
 23 again -- the same issue. What in the world
 24 is wrong with the owners? They don't have
 25 no credibility. They don't have -- they
 26 have the audacity to not even show up to
 27 this meeting.
 28 My suggestion is I will propose to
 29 the Council to look into it. What's the
 30 possibility since this is coming in by barge
 31 that this can be curtailed under Homeland
 32 Security or United States Coast Guard?
 33 What say-so do we have bringing this
 34 situation to rest? My true meaning is this
 35 thing has to go. This will not persist. My
 36 daughter lives in Massachusetts. This would
 37 not even be considered. Thank you very
 38 much, ladies and gentlemen.
 39 MS. WRIGHT:
 40 Our next speaker is Corrine van
 41 Dalen.

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1 MS. VAN DALEN:
 2 Hello, my name is Corrine Van
 3 Dalen. I'm an attorney at the Tulane
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1 Environmental Law Clinic and I represent the
2 Oakville Community Action Group and the
3 Louisiana Environmental Action Network
4 against the landfill and against the
5 modification of this permit.
6 We've heard from a lot of people
7 tonight who have talked about the landfill
8 and how it has impacted their life, people
9 who live right next to the landfill, people
10 who work right next to the landfill, people
11 who have to smell the landfill. And all of
12 this has occurred because DEQ made a
13 mistake.
14 When DEQ reviewed Industrial Pipe's
15 solid waste application in 2003, it failed
to require Industrial Pipe to show that the
land was zoned for industrial use -- that a
landfill was allowed to be there. Here's
the application (holding up document). The
application is available on the DEQ website.
And in the application you'll see there's a
question, and this is required by law, it
must be answered by every applicant: "Is the
property zoned?"

The answer: "Yes."
"What's the zoning

classification?"

deq15

"Industrial."

See Exhibit 1 -- or I'm sorry.

it's

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I-2. Well, this exhibit -- Excuse me while I adjust this (trying to adjust height of microphone).

This exhibit, which is attached to the permit application, is actually a resolution of the parish, but it doesn't say anything about allowing a landfill on this property.

And instead it says -- This resolution talks about Industrial Pipe being able to put a burner on it's property behind the levee in the flood plain district. It has nothing to do with the area that is now occupied by the landfill. And it doesn't show anybody, anywhere in this document that the property is zoned properly.

But Oakville Community Action Group submitted comments to DEQ in response to this application. Right here (holding up

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documents). This is also available on the DEQ website. And in this set of comments, Oakville attached a letter that was written

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by Plaquemines Parish then president to Mr. Kenneth Stewart, who's the owner of Industrial Pipe landfill.

And it says, quote, "No permit was ever granted for operations of a landfill in this area. Resolution -- the resolution that I just spoke of -- mandates that Industrial Pipe immediately commence the closure of this property with authorized fill in accordance with the law.

This was given to DEQ. This letter also says that the land owned by Industrial Pipe between the Ollie (phonetic) Drainage District hurricane protection levee, or the back levee, and Highway 23 -- and I think a lot of people in this room probably know what area we're talking about, it's where the landfill is -- is Zone A-2, rural and agricultural. This is evidence of what the zoning is. But DEQ didn't recognize that, and instead DEQ took the word of Mr. Stewart who signed this application and who also signed this letter that was given to him by the Plaquemines Parish president, knowing full well what the zoning is, and issued a permit to construct the landfill.

That's why we're here. Before DEQ modifies this permit, we ask that DEQ go back and look at the mistake it made and fix that mistake and certainly not allow this landfill to expand or receive waste by barge.

We will be submitting additional comments in writing, detailing why the modified permit, if it were to be issued, would be illegal in it's own right, by allowing operation within the buffer zone,

21 deq15
21 by allowing a landfill that has never been
22 in compliance with it's permit -- the permit
22 requires a fence. There's no fence, among
23 many other reasons, and those will be
23 submitted shortly. Thank you.
24 MS. WRIGHT:
24 Our next speaker is Darryl Malick
25 wiley.
25 MR. WILEY:
24 Good evening. My name is Darryl

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1 Mallick wiley. I'm a regional
2 representative and an environmental tester
25 and organizer for the Sierra Club and I'm
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here representing the Sierra Club and the Green Zone Task Force. I reside in Orleans Parish.

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The Sierra Club does not believe this permit should be issued and we shouldn't be even here tonight talking about this. This proposed permit modification and the process that has us at this hearing tonight is flawed. The Louisiana Department of Quality has forgotten that it's main duty to the citizens of Louisiana is to protect the environment. It is not to issue permits of questionable merit.

We shouldn't even be here talking about this permit tonight. We should be talking about the closure and removal of all the waste on the site and the protection of the citizens of Oakville. (Applause.) The very idea that we will be accepting waste by a barge from all across America into a landfill is unacceptable. And in our opinion is not authorized by the current permit or by this flawed modification of the permit.

We believe the proposed permit modification is a major modification under the law and not a minor modification, as DEQ would have us believe. Since it is a major modification, there needs to be an in-depth analysis by the, quote, "IT questions included in this permit application", which is not there.

With the proposed change in language to permit a change of service area of the landfill from currently being Plaquemines, Jefferson, Orleans, St. Bernard Parishes, to, and this is, quote, "barges or other vessels, sources of this waste may include other in-state or out-of-state landfills, transfer stations, offshore drilling platforms, river debris, receiving barges, and other receiving locations," needs a totally new permit.

We need to go back to Square One, and this is a major increase in the size and scope of the waste that will be coming into the site. Therefore, we shouldn't even be

1 here talking about this as a, quote,
2 25 "technically complete permit." That is the
3 farthest thing from a technically complete
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2 1 permit I've seen in a long time.
 3 2 Questions we want to know and have
 4 3 answered by DEQ:
 5 4 How would Industrial Pipe be able to
 6 5 ensure that only permitted wastes are
 7 6 shipped to the site?
 8 7 How will the wastes that are not
 9 8 permitted be returned to their original
 10 9 location?
 11 10 Who will be responsible from the
 12 11 return shipping costs?
 13 12 What kind of accountability program
 14 13 will the Louisiana DEQ put in place to
 15 14 ensure that only permitted wastes are
 16 15 shipped to this site?
 17 16 Will it be the same kind of
 18 17 accountability program that they failed to
 19 18 enforce after Katrina?
 20 19 I've been by the site numerous times
 21 20 and seen pelicans, seagulls, everything out
 22 21 there eating off the waste. I don't know
 23 22 about you, but I don't think seagulls eat
 24 23 2x4s. There's something else going into
 25 24 that site, and DEQ has been lacking in the
 enforcement of what's going on in that
 site.
 What kind of limits -- we're talking
 about construction debris limits -- can a
 waste come into the site?
 Are we going to go by the Louisiana
 definition of construction debris, which was
 modified post Katrina to include anything in
 a flooded house or construction debris were
 the rest of the nation. Meaning that that
 we could have all their herbicides,
 pesticides, bleaches, cleaning materials,
 batteries, car tires.
 We just feel that this permit is
 just totally full of holes. What kind of
 limits do we have on this permit for
 receiving C and D waste, from Chicago or
 Saint Louis or other cities along the
 Mississippi and Ohio River system?
 How much waste can this company
 bring in?
 How tall are we going to let this
 thing grow? You know, is it going to be the

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1 25 highest point in Louisiana? You know, I
 2 don't see anything in this, quote, "minor
 3 modification" that would limit it. The
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proposed change of allowing the unloading of waste from the Hero Canal will violate the current permit 50 foot buffer zone. And that's a fact.
There are additional environmental impacts related to transfer of waste from the barges or other vessels to the landfill: One, liquid wastes that might be discharged from the barge into Hero Canal or in the process of loading waste from the barge into

6 the landfill site.
 8 Solid waste may be dropped from the
 9 barge or in the transfer process.
 10 Fuel products may be discharged into
 11 the Hero Canal from the unloading operations
 12 or from tugboats or other vessels on the
 13 site.
 14 There is no discussion in the permit
 15 about waste that could become airborne in
 16 the unloading process and carried off the
 17 Industrial Pipe landfill site.
 18 The amount of waste that the Hero
 19 Canal will not be in compliance with current
 20 permit and that requires all waste and
 21 Industrial Pipe landfill to come in by the,
 22 quote, "main gate." And that the, quote,
 23 "main gate operator is responsible for
 24 inspection of approving the waste onto
 25 site." Because they're coming in by the
 canal, does that mean we need to put
 everything on a truck and truck it down to
 the main gate?
 MS. WRIGHT:
 I'm sorry, Mr. Wiley, but your time
 is up.
 MR. WILEY:
 Okay. I'll come back when we've got
 time.
 MS. WRIGHT:
 Our next speaker is P.J. Hahn.
 MR. HAHN:
 My name is P.J. Hahn. I'm Director
 for Coastal Zone Management for
 Plaquemines. I apologize that I didn't
 intend to speak tonight, but I want to
 address something that -- This is a state
 concern. It's not a parish permit that's

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1 being addressed tonight. So I want to make
 2 that clear. Having said that, this has
 3 given me a lot of heartburn for coastal
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restoration. I'm very disappointed. I came here tonight to honestly listen to both sides. I've only heard one. So, you know, no pun intended, but this stinks. And I will -- my office will look into this. I promise, for the people of Plaquemines.

(Applause.)

MS. WRIGHT:

At this time I would like to call all citizens who are in support of the technically complete solid waste permit minor modification followed by those citizens who are opposed to the permit.

Are there any citizens that are in support of the permit? (No response.) If there are none, we will now hear from the citizens that are opposed to the permit. Our first speaker in this category is Marylee Orr.

MS. ORR:

Good evening, everyone, my name is Marylee Orr, and I'm director of Louisiana

12 deq15
 14 Environmental Action Network. And it's
 15 wonderful to see your faces this evening. I
 16 have around four pages. I'll do the best I
 17 can to get through them. I live at 162
 18 Coydon Avenue, Baton Rouge, Louisiana
 19 70806. Our league is 22 years old.
 20 Louisiana Environmental Action
 21 Network appreciates DEQ holding this public
 22 hearing on the Industrial Pipe proposed
 23 waste barge unloading facility at their C
 24 and D landfill adjacent to the community of
 25 Oakville. Members of the Oakville community
 have been members of LEAN for more than 20
 years and the Oakville community member,
 Rose Jackson, currently and has been a
 member of the LEAN program for over 16
 years.
 Out of state waste, the permit
 modification request by Industrial Pipe and
 presented in the DEQ public notice states
 that, quote, "Industrial Pipe, Inc.,
 proposed to modify their permit to allow for
 the acceptance of barge shipments for
 correction and demolition debris waste,"
 close quote.

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1 An evaluation of the DEQ files on
 2 the Industrial Pipe facility indicate that
 3 since March 2008 representatives of
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Industrial Pipe have been meeting with DEQ in reference to receiving construction and demolition waste from out-of-state sources that would be transported to the Industrial Pipe site via barge or other modes of transportation. It would have been tremendously helpful to the people of Oakville and Plaquemines Parish if the DEQ public notice had included that the barge shipments of C and D waste were from out of state sources.

The Industrial Pipe facility has already received, offloaded, and disposed of barge loads of waste from Riverbend landfill in Dalton, Illinois, Chicago area. The waste from the Chicago area was offloaded from the barge to the Industrial Pipe landfill from April 15 17, 2008. Industrial Pipe contends that their permit has an unlimited service area and thus they can receive waste from out-of-state sources.

On April 16, 2008, DEQ issued a letter to Mr. Timothy Hardy, legal representative for Industrial Pipe, concerning the proposed waste barge operations at the Industrial Pipe landfill. Cheryl Somhill Nolan, assistant secretary of DEQ, stated in the April 16, 2008, quote, "after careful review and consideration, the department finds that the activities described in your letter and in various meetings with the department require minor modification of your solid waste permit. Therefore, Industrial Pipe cannot accept

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18 waste in the manner described without the
20 appropriate permit and modifications," end
19 quote.
21 That's why we are here tonight to
20 comment on the proposed permit modification
22 for the waste barge operation that will
21 allow out-of-state waste to be received and
23 disposed of in the Industrial Pipe
22 facility. Note that the waste from the
24 Chicago area continued to be unloaded and
23 disposed of after the DEQ issued their
25 letter that, quote, "Industrial Pipe cannot
24 accept waste without the appropriate permit

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1 modification."
25 Industrial Pipe contends that the
2 landfill currently accepts waste from
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customers located in Plaquemines, Jefferson, St. Bernard, Orleans Parishes.

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If this permit modification is approved by DEQ, waste will be able to be received from out-of-state customers from throughout the United States. The sources of such waste will not be regulated or controlled by the DEQ and the acceptance and disposal of such waste will occur with little to no oversight inspections or enforcement on the part of DEQ.

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Negative impacts on the Oakville community: The receipt of out-of-state construction and demolition debris waste by the Industrial Pipe landfill is unacceptable. The facility operations have had severe negative impact on the adjacent environmental justice community of Oakville.

The community of Oakville has had their quality of life and physical and mental health degraded as a result of the landfill operations. It is time to phase out the landfill operations and not allow the landfill operations to continue, based on the receipt of out-of-state waste. The community of Oakville deserves to have their community, their quality of life and their health restored.

Hurricane debris: As a result of Hurricane Katrina and Rita available construction demolition debris landfill space has been challenged across southern Louisiana. The acceptance of out-of-state construction demolition debris waste is not appropriate based on ongoing waste disposal activities and should be denied by DEQ.

The buffer zone: The waste barge operation currently, and is proposed to be located on the Hero Canal outside of the 50 foot buffer zone of the Industrial Pipe landfill. The offloading of the waste from out-of-state barges will occur outside the footprint of the facility. The waste will be offloaded from the barge with a crane type excavator five fingered demolition

24 grabber and other excavation equipment. The

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1      offloading operations will move the waste
2      25 through the landfill buffer zone while the
        waste is being compacted and squeezed by the

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3 1 evacuation equipment. Such activity should
4 2 be considered as waste processing.
5 3 Processing of the waste in the buffer zone
6 4 is a violation of the DEQ regulations.
7 5 The DEQ should deny the proposal for
8 6 the waste barge operations.
9 7 Waste water: Industrial Pipe is
10 8 stating their permit modification
11 9 application of the waste and the barge,
12 10 quote, "will already be fairly moist," end
13 11 quote. The waste will be wet as necessary
14 12 to reduce the generation of dust. The
15 13 contaminated waste water in contact with the
16 14 construction and the demolition debris waste
17 15 will collect in the barge, drip from the
18 16 waste in the excavation equipment, be
19 17 deposited in surface water of Hero Canal,
20 18 and collect on the ground in the buffer zone
21 19 between the Hero Canal and the landfill
22 20 site.
23 21 MS. WRIGHT:
24 22 I'm sorry, Ms. Orr, but your time is
25 23 up.
26 24 MS. MARYLEE ORR:
27 25 I'll be back. No problem.
28 MS. WRIGHT:
29 Our next speaker is John McCoy. Is
30 Mr. John McCoy present? (No response.)
31 Okay. Moving on, our next speaker is
32 Burghart Turner.
33 MR. TURNER:
34 Good evening, my name is Burghart
35 Turner. I live at 161 East Bellview in Port
36 Sulfur, Louisiana. I represent District 6
37 Council Seat in Plaquemines Parish, and I
38 just want it noted that the council,
39 Plaquemine's Parish government opposed the
40 renewal of the contract for Industrial Pipe
41 landfill. And so that was a position that
42 the local government (applause) -- that
43 position was taken by the local government,
44 and for DEQ to consider expanding their
45 operation is an insult to the government.
46 We are here as representatives of
47 the people, not only in our individual
48 districts, but of the entire parish. And it
49 wasn't just the members of the Oakville area

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1 that spoke, but again, other representatives
2 25 also supported that move and that contract
3 was denied by the local Parish government.

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And we just want DEQ to honor our concerns. We stopped it locally. One of the gentlemen mentioned earlier that the state and local politicians should be providing a certain level of protection. Well, we have done what we were able to do by not renewing a contract.

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1 I'd like to apologize to the
2 surrounding residents of Oakville and on
3 Bergeron for not being aware of this problem
4 before. Normally, if it's not within your
5 neighborhood, you don't really notice things
6 like that. I'd like to thank Margie for
7 bringing it to my attention over the last
8 couple of months. And I'd like to reiterate
9 something that Mike said -- if he's here --
10 Mike lived on Bergeron.

11 It's a shame that there's no
12 representative of Industrial Pipeline here.
13 It's also pretty arrogant that they're not
14 here to defend themselves. I'd like to
15 think that my wife keeps a pretty clean
16 home, but I've lived there for about a year
17 and a half and the amount of dust and debris
18 -- or dust, I should say, that's in my house
19 is -- It's pretty scary when you think about

12 what's in that dust, what your children are
11 smelling, what your children are breathing,
13 what you're breathing. It's pretty scary
12 when you think about it.
14 I'd like to think the few members of
13 our council that are here tonight. Is there
15 a representative of District 5 here? (No
14 response.) Apparently not. I'd like to
16 thank you all for taking an interest in this
15 and standing up for the citizens of this
17 parish. As I understand the law in
16 Louisiana, Louisiana can import trash, but
18 they can't export because of termmites. Is
17 that correct? That's pretty disturbing.
19 Margie, I'd like to bring my trash
18 to your backyard and burn it because I don't
20 want to burn it in my backyard. That's not
19 right, citizens of Louisiana. The DEQ needs
21 to address this. I don't know if they're
20 directly responsible for that, but the DEQ
22 is a representative of our government and
21 they should represent us, not businesses.
23 Thank you.
22 MS. WRIGHT:
24 Our next speaker is Victor
Scorsone.
23 MR. SCORSONE:
25 Good evening, my name is Victor
24 Scorsone. I live across the street, exactly

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1		across the street from the pipe line. And
2	25	I'd just like to know if I was to dump
3		anything illegal on my property without
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proper permits, I'm sure DEQ would make me come clean it up and fine me. And I don't know why that's not happening to begin with. I have no clue. I live across the street and I'm worrying about cutting my grass to make it look good across the street from this guy that has got a 180 foot pile of trash across the street from me and it keeps on growing. As I'm cutting the grass I'm looking at it going, my God, how high is it going to go? I just can't understand the DEQ not shutting it down. Instead of the barges coming this way, they have be going that way with all the trash and dumping it someplace else. Thank you.

MS. WRIGHT:

Our next speaker is Michael Scorsone.

MR. SCORSONE:

Good evening, my name is Michael Scorsone. I also have the property at 11189 Belle Chase Highway, right across the street from Industrial Pipe.

A few thoughts on this. Let's face it, landfills are necessary, but there is a right and a wrong way to run one. We're definitely witnessing the wrong way. Simple research on the Internet with the search of "clean landfills" will show you how this is done. They have pictures of a properly run

deq15
16 landfill. It's nice and clean, you really
18 do not know it's there.
17 A second issue is back in, I believe
19 it's 2006 or 2007. I don't remember the
18 year. I was traveling from Algiers coming
20 over from Woodlawn bridge and saw a large
19 plume of black smoke. At first I thought
21 that maybe a -- God forbid, an air craft
20 maybe went down at the air station. As I
22 drove down highway 23 I realized: No, it's
21 coming from Industrial Pipe.
23 Then I found out that what was on
22 fire was the white goods. That was all the
24 appliances, refrigerators, vacuum cleaners
23 and whatever that was loaded up -- all this
25 was on fire. It concerned me that the smoke
24 from this was traveling right into the

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1 Oakville community and then the wind had
25 shifted and it was coming right across my
2 property.
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I went to Industrial Pipe and asked them, you know, what's being done about this, are they aware of the fire? They said yes, we are. I asked them what they had done and they said yes, we called the Belle Chasse Volunteer Fire Department who's on their way. It scares me that their emergency response plan is to call our local volunteer fire department. I'm not taking anything away from the fire department, but I think that responsibility should rest on Industrial Pipe.

I was just appalled that, you know, if you're going to run an operation like that, that that's your emergency response plan. In closing, my message to Chicago is: Take care of your own debris. Thank you.

MS. WRIGHT:

That concludes comments from our registered speakers. At this time I would like to call up those citizens who did not have enough time to speak in the beginning. They will now be allowed additional time. Still you'll be limited to five minute increments.

Ms. Laclere, did you have additional comment? Please come forward.

MS. LACLERE:

I want to start trying to make a point that the reason why you shouldn't give an additional permit modification is because he hasn't always been honest with what he writes in his permit applications.

One of the dishonest things that he did -- and this is all public record -- was that he submitted a fraudulent signature in his permit application. And that signature would grant him a waiver to go beyond 200 feet away from Oakville community to 50 feet. The Court found he was guilty, but LADEQ gave him that waiver, and that's where he is right now, 50 feet from the backyards

22 deq15
24 of Oakville residences.
23 In 2007, and this time I'll
25 illustrate how sometimes LADEQ doesn't read
24 the material they get. When Corinne brought
 up the issue of the way the permit -- the

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1 way the land was not industrial, and he
2 25 submitted documentation and it seems like
3 LADEQ didn't read it properly.
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well, last June, in '07, the landfill submitted documentation that they were ready for their final permit, that their height max was 60 feet. And they had their engineer send documentation. Well, it didn't look like 60 feet and I questioned that.

And LADEQ went out and inspected and it wasn't 60 feet. So they made him go back and get another engineering certification. So you always can't rely on -- we want to rely on state agencies, but we still as citizens have to watch and have to be vigilant.

In the issue right now he stated in his modification permit -- and this is on your website -- that the out-of-state facilities that he receives waste from, the waste is segregated from the main stream at the time it is received at the out-of-state facility.

Well, the Internet is a wonderful thing. I e mailed Chicago. The Chicago Department of Environmental and I got a response. The director of environmental inspections, Chicago Department of Environment, Mr. John Lyle, states,

"Riverbend landfill" -- and this is where the waste supposedly came from" -- in Chicago -- "is closed. However, the transfer station with the same name is located on the site. If the transfer station is sending material to Louisiana for disposal, you may like to note that we do inspect the facility. However, while we inspect the transfer station to ensure that they are operated within the boundaries of their permit, we do not regulate specific materials that they send out for disposal."

And that's materials that came up Hero Canal and was unloaded at Industrial Pipe. Some other things that I have issue with, I question whether bringing waste by barge may hamper hurricane protection projects planned by the Army Corps of Engineers when floodwalls or flood gates are

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permit there is no permitted cell adjacent to the area where the barge is being unloaded. And if that's the case, this, quote, minor modification should be a major modification, thereby kicking in other requirements under Louisiana law.

The Sierra Club has a real problem with the Louisiana Department of Environmental Quality relying on the words of a, as we've heard tonight, bad operator of the Industrial Pipe landfill. We feel that we need more certification of the facts related to this permit and that any fact submitted by the applicant should be questioned thoroughly.

deq15

10 One thing that we're very concerned
11 9 about is the transportation by barge of
12 10 waste to the south Louisiana. A number of
13 11 cities and states around the country are in
14 12 the process now of passing rules and
15 13 regulations that limit the amount of
16 14 construction debris that can be placed in
17 15 landfills. So why are we allowing Louisiana
18 16 once again to be the dumping ground of the
19 17 nation? We feel this is wrong; it should
20 18 not happen. And, in fact, Louisiana should
21 19 be writing regulations banning any
22 20 importation of waste from outside of our
23 21 state to Louisiana. I will submit in more
24 22 detail before the comment period is out
25 23 reports done by the Green Zone Task Force on
 24 set regulations from around the country.
 We want detailed in the response to
our questions the amount of fine for the
illegal dumping from the barge at the
Industrial Pipe location in April of 2006.
(Applause.)
We also request a public hearing on
that said fine and operations so the people
know what's going on with that permit. And
that the fine that should be levied. We
feel, once again, that the Sierra Club feels
that this permit is not a minor, quote,
minor technical modification, that it's a
major modification. Therefore, DEQ
shouldn't be even wasting our time and
should come real and close the landfill.

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1 Thank you.
2 25 MS. WRIGHT:
 Our last speaker needing additional

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time is Ms. Orr.

MS. ORR:

Thank you. Thank you everyone for being here. I'm going to pick up at the waste and water.

According to the terms of the Industrial Pipe DEQ permit, the disposal of liquid waste is strictly prohibited. Thus DEQ cannot allow the contaminated waste water in the barge to be disposed of in the construction and demolition and debris landfill cells.

DEQ must also not allow the contaminated waste water to drip into the surface waters of the Hero Canal and onto the buffer zone between the barge and the landfill facility. Such activities are in violation of the Clean Water Act.

Industrial Pipe failed to provide collection, storage, and disposal provisions for the contaminated wastewater in the barge and the contaminated wastewater that will drip from the evacuation equipment. Based on these emissions DEQ must deny the proposed permit modification.

According to the permit modification application, netting or other modifications

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17	15	will be employed to prevent water from
18	16	falling into the water between the edge of
19	17	the vessel and the mooring station. Netting
20	18	is not adequate.
21	19	The netting could collect large
22	20	pieces of debris and retain the debris as
23	21	long as the netting is strong enough to hold
24	22	the weight of the debris. But netting will
25	23	not stop the contaminated liquid dripping
	24	from the debris from entering the water
		between the vessel and the mooring station.
		Netting is an unacceptable mechanism to
		retain contaminated waste from entering the
		surface waters resources.
		The coastal use permit issued by
		Industrial Pipe by Plaquemines Parish does
		not allow the use of barges by Industrial
		Pipe for the operations for the landfill
		closure activities. Thus DEQ cannot issue a
		permit modification for a waste barge

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1		mooring and at no other facility on the Hero
2	25	Canal construction and demolition debris
3		until Industrial Pipe has obtained the
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appropriate coastal use permit from
Plaquemines Parish.

The mooring area from the barge
unloading operations that the Industrial
Pipe facility is too shallow to allow the
pipe -- the barge to be properly located for
unloading operations. Currently, the barge
has to be partially unloaded to locate the
barge appropriately for unloading operations
in the area of the landfill where the cell
is located.

The mooring area as it currently
exists needs to be dredged. In order to
dredge the canal in the area of the mooring
facility, a Corps of Engineer permit is
required. DEQ must deny the permit
modification for the barge unloading
facility due to the lack of the Corps
permit.

DEQ must deny the permit
modification for the Industrial Pipe
facility, the Industrial Pipe facility does
not currently have the required local and
federal permits for the barge mooring and
offloading facility. The barge mooring and
offloading facility will violate the DEQ's
buffer zone requirements. The importation
of out-of-state waste is not acceptable.
Waste disposal capacity for construction and
demolition debris has been challenged by
hurricane debris. Provisions to handle and
properly dispose of contaminated wastewater
have not been addressed.

The community of Oakville has been
negatively impacted for a very long time --
long enough. DEQ must deny the permit
modification for the Industrial Pipe
landfill.

I just want you all to know that

22 deq15
22 I've been working on this landfill since the
23 late 80's. And as much as I love being able
23 to come here, I don't want to have to come
24 back again about Industrial Pipe. Thank you
24 very much.
25 MS. WRIGHT:
25 Ms. Laclere, did you need additional
24 time to finish your comments?

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1 MS. LACLERE:
2 No. I'll submit this as an exhibit.
25 MS. WRIGHT:
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Okay. Would you like to submit that at this time? Please let the Record reflect that I have received three exhibits: One submitted by Ms. Margie Laclere. I have marked this exhibit as Exhibit 1. This exhibit will be attached and made a part of the Record.

I've also received a letter submitted by Ms. Marylee Orr. I am marking that exhibit as Exhibit No. 2. This exhibit will be attached and made a part of the Record.

I also received an exhibit from Mr. Darryl Wiley. I am marking this exhibit as Exhibit No. 3. This exhibit will be attached and made a part of the Record.

At this time are there any other comments? Any other persons present who wants to make a comment?

(Audience member rises, saying yes.)

Please don't forget to state your name.

MR. MCGEE:

I'm Mark McGee, 7019 Walker Road in Belle Chase. We've had some good news and some bad news here this evening. I'd like to congratulate councilman of Parish 6 -- or District 6. That was certainly some good news for a lot of the residents in the area. I certainly hope you speak for the majority of the council members. Godspeed on that issue. Bad news was Mr. Kenny. It looks like he lost a \$5,000,000 contract. Ouch.

Let's support our council members on this issue and see if we can't get them to further hold their reins and stay the course. And of course, on the other side of that coin is, is that the DEQ's position is that over the past several years, many years ago, they had always stated that if your local government did not have an issue with permit, that they didn't. So we all know that we're tired of hearing that slang also. So let's just make sure that our local council members and our new Parish president stay the course. And of course,

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1 if any of them actually vote in favor of
2 25 this project or any other project coming up,
3 let's -- we've all got recall on our phones
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1 here. We've all been listening to Jindal
 2 with the state government. Let's make a
 3 commitment tonight that we'll all band
 4 together and we'll work to oust those people
 5 who won't listen to the peoples' needs.
 6 Thank you much, and good night.
 7 MS. WRIGHT: Are there any other comments?
 8 MS. JACKSON:
 9 My name is Rose Jackson. I live at
 10 194 West St. Peter Street. I was kind of
 11 surprised when I got the message, the memo
 12 from DEQ that there was going to be a public
 13 hearing tonight on Industrial Pipe landfill
 14 for a modification of their permit.
 15 I have been fighting this landfill
 16 from Day One in my community. It really and
 17 truly hurt me and really dumbfounded me when
 18 I sat in federal court and I listened to the
 19 attorney from DEQ stood there and read off a
 20 document that the same information that I
 21 had, that's what she stood there and read to
 22 the federal judge. And the next thing we
 23 knew they were giving Kenny Stewart his
 24 permit and waiving giving him the buffer
 zone for a 50 foot buffer zone. I was
 appalled.
 And I sat back and I said to my
 director, "Well, DEQ has employees that's
 not elected officials and these employees
 are civil service employees." I work for
 the Louisiana State Department of Hospitals
 for 14 years. It's a system. And that
 system when you commit any kind of
 malfeasance, you're automatically asked to
 be dismissed, and you are fired.
 And it's sad to sit there and listen
 to this lady tell these outright lies about
 what was transpiring in that community and
 she had never been there was beneath me
 because no inspector had ever been in
 Oakville from DEQ to talk to the residents,
 not even to cross that ditch line to see
 exactly what was going on in that community
 and how it was really affecting us.
 I sat back and I look at my
 families. When there is a problem, there is

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1 a serious health problem in that community.
 2 When you bury seven people in three months
 3 and all of them died of cancer, come on DEQ
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1 you all need to do something. Send ATFDR in
2 there; send someone in there from EPA to do
3 some investigations.

4 I waited for 15 years for a health
5 survey. I had to do it myself. I had to
6 contact people to come in and do a health
7 survey in my community. This is what the
8 taxpayers of the state of Louisiana pay
their tax dollars for, that we supposed to
be treated equally and stop overlooking
issues. When it starts to affect the health
of children by DEQ officials sitting back

7 deq15
 9 and making the wrong decisions because of
 10 one individual. My kids are living next
 11 door to a 60-foot mound of trash and
 12 seagulls.
 13 People are sick and tired of having
 14 to go out there every morning and put there
 15 hands in bird feces -- that's unhealthy.
 16 It's my right that I don't have to wash my
 17 car with a rubber glove. And those calls
 18 should not be made by DEQ. It's my right to
 19 breathe clean air. It's my right to not to
 20 have to breathe dust every day. It's my
 21 right to not have to walk out of my door and
 22 be able to write my name on my car hood
 23 because of the dust. We are sick and tired
 24 of DEQ officials making the wrong
 25 decisions.
 26 There is no 50 foot buffer zone.
 27 That landfill is on that ditch line. I sat
 28 there day after day on my neighbor's steps
 29 and look at the debris and the garbage and
 30 dead animals and everything else being
 31 dumped on that ditch line. There is no 50
 32 foot buffer zone. And if you want to say
 33 that it is, guess what I'll stand on a stack
 34 of Bibles and tell you it's not. There is
 35 no 60 foot buffer zone. Something has to be
 36 done.
 37 I oppose the renewal or modification
 38 of this permit. I oppose Industrial Pipe
 39 landfill. It needs to go. It needs to be
 40 shut down. There was nine young men out of
 41 Oakville that worked on that landfill and
 42 all of them died of cancer because they all
 43 were exposed to asbestos, benzene. You name

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1 it; they were exposed to it. Medical waste
 2 25 -- there's a lady right in my community
 3 right today that suffered a medical needle*
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1 in her hand. Do DEQ permit this to go into
2 landfills? Solid waste landfills?
3 Demolition landfills? Medical debris has no
4 business being there. And it's time for it
5 to come to a stop. When you have to start
6 burying babies because of somebody else's
7 neglect and callousness of a fire, and this
8 child can't wake up at night to tell you
9 that she cannot breathe and the next morning
10 you wake up and find this baby's dead.

11 DEQ shouldn't even be holding this
12 hearing, because, you-all, DEQ is fully
13 aware of all of these issues and it's time
14 for it to stop. I wish Governor Jindal
would order the state -- or the people of
the state of Louisiana would ask to have all
DEQ personnel elected officials.

(Applause.)

MS. WRIGHT:

Any other comments?

MR. SHAW:

Good evening. You have never met me
before, but my name is Tim Shaw. I'm the
general manager of Riverside Recycling and

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13 Disposal facility. I didn't -- I chose not
15 to speak tonight. I am the general manager;
16 I'm, there everyday. I run the site,
17 Riverside Recycling and Disposal runs the
18 site. We have run the site since April 1,
19 2007. I have been there since October of
20 2007. I chose not to speak tonight out of
21 respect to you because this is an important
22 public participation process.
23 So I apologize if not speaking
24 earlier was shown as lack of respect. It
25 wasn't meant that way. It was meant as
respect to hear what you had to say. I have
not been here long enough to understand some
of the concerns that you have.
Any day you can call me at the
landfill. And any day I can talk to you and
I will make an appointment for you to walk
the landfill. Because quite frankly since
October of 2007, I don't see the same things
you see. I don't deny them, but I do not
see the same things you see. I'm not here
to argue with you tonight. Please

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1 understand that. I was only here to let you
2 know that out of respect for what you said
3 earlier I showed no disrespect by not
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speaking. I just wanted to hear what you had to say.

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Thank you very much.

MS. KATHY WRIGHT:

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Are there any other comments?
I would like to remind you that the comment period this technically complete solid waste permit minor modification for Industrial Pipe, Inc., site reconstruction and demolition debris landfill ends at 12:30 p.m. on Monday, August 18, 2008.

for

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All comments received, requests

notification of the final decision, and the transcript formed from the hearing are processed by the Public Participation Group and are available on EDMS.

The permit writer reviews all comments and uses any additional information that is appropriate to update the permitting information.

The names and addresses of all commentators, speakers, and those requesting to be notified of the final decision are added to the public comment database.

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A final draft of the permit and

response to the public comments are prepared and forwarded to the Office of Environmental Services' assistant secretary for final decision.

Upon the issuance or denial of the permit, a letter is mailed to all the commentators, speakers, and those who requested to be notified of the final decision. The final decision includes the appeal process, the basis of decision, and

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the response to all public comments received.
I received a total of three exhibits

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during this hearing. If there are no other comments, I'd like to thank you for your attention and participation in this hearing.

Please let the Record reflect the time is 7:42 p.m. This hearing is now closed.

SENATOR DAVID HEITMEIER:

I'm State Senator David Heitmeier. I represent the upper part of Belle Chasse. If you-all have anything that I can help you all with this project, please feel free to contact my office. We have an office in Algiers and we're starting one in Belle Chasse. So if we can help, please do not hesitate to give us a call. Thank you.

(Whereupon, the Hearing was concluded at 7:45 p.m.)

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REPORTER'S PAGE

I, Dorothy H. Schmit, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana Code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the Record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talkovers; that same is the proper method for a Court Reporter's transcription of proceeding, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the phrase "(phonetic)."

Dorothy H. Schmit

Certified

Court Reporter

Louisiana License #23039

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REPORTER'S CERTIFICATE

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I, Dorothy H. Schmit, Certified Court

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Reporter, do hereby certify that the above and
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foregoing is a true and correct transcription of the
voice-writing method of the proceedings herein,
reported by me at the time and place herein above
stated and thereafter transcribed under my
to the best of my ability and understanding.

Dorothy H. Schmit
Certified Court Reporter
Louisiana License #23039

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